

cc to Prob 88-02 WIC

**STATE OF NORTH CAROLINA**  
GUILFORD (GR) County GREENSBORO Seat of Court  
NOTE: (This form is to be used for (1) felony offense(s), and (2) misdemeanor offense(s), which are consolidated for judgment with any felony offense(s). Use AOC-CR-210 for DWI offense(s).)

01CRS086272 51  
In The General Court Of Justice  
☐ District ☒ Superior Court Division

**STATE VERSUS** 102 AUG - 7 PM 1-08  
Name Of Defendant: BURNETTE, HARVEY, LEE JR  
Race: B Sex: M  
Attorney For State: ENOCHS, ROBERT  
Attorney For Defendant: PRITCHETT, JAN  
☐ Defendant Not Indigent ☐ Defendant Waived Attorney

☒ The defendant ☒ pled guilty to: ☐ was found guilty by a jury of: ☐ pled no contest to:  
☐ File No (s) ☐ Off. ☐ Offense Description ☐ Offense Date ☐ G.S. No. ☐ F/M ☐ CL

01CRS086272	51	TRAFFICKING COCAINE BY POSSESSION	05/30/2001	90-95	F	H
01CRS086274	51	TRAFFICKING COCAINE BY TRANS	05/30/2001	90-95	F	H

The Court:  
☒ 1. has determined, pursuant to G.S. 15A-1340.14, the prior record points of the defendant to be 2 PRIOR  
☐ 2. makes no prior record level finding because none is required.  
RECORD LEVEL: ☒ I ☐ II ☐ III ☐ IV ☐ V ☐ VI

The Court: NOTE: Items 1 or 2 MUST be checked off  
☒ 1. makes no written findings because the prison term imposed is within the presumptive range of sentences authorized under G.S. 15A-1340.17a.  
☐ 2. makes the Findings of Aggravating and Mitigating Factors set forth on the attached AOC-CR-605.  
☐ 3. makes the Findings of Extraordinary Mitigation set forth on the attached AOC-CR-606.  
☒ 4. finds the defendant has provided substantial assistance pursuant to G.S. 90-95(h)(5).  
☐ 5. finds enhanced punishment from a Class A1 or Class 1 misdemeanor to a Class 1 felony.  
☐ G.S. 90-95(e)(3) (drugs); ☐ G.S. 14-3(c) (hate crime).  
☐ 6. imposes the punishment pursuant to a plea arrangement as to sentence under Article 58 of G.S. Chapter 15A.  
☐ 7. finds the above designated offense(s) is a reportable conviction involving a minor. G.S. 14-208.6.  
☐ 8. finds the defendant is classified as a sexually violent predator. G.S. 14-208.20.

The Court, having considered evidence, arguments of counsel and statement of defendant, finds that the defendant's plea was freely, voluntarily, and understandingly entered, and Orders the above offenses be consolidated for judgment and the defendant be imprisoned for a minimum term of 28 months for a maximum term of 34 months in the custody of N.C. DOC.  
☐ This sentence shall run at the expiration of sentence imposed in file number \_\_\_\_\_  
The defendant shall be given credit for \_\_\_\_\_ days spent in the confinement prior to the date of this Judgment as a result of this charge(s) to be applied toward the \_\_\_\_\_ sentence imposed above. ☐ Imprisonment required for special probation set forth on AOC-CR-603, Page Two.

**SUSPENSION OF SENTENCE**  
☒ With ☐ Without the consent of the defendant and subject to the conditions set out below, the execution of this sentence is suspended and the defendant is placed on ☒ supervised ☐ unsupervised probation for 36 months.  
("NOTE: For offenses committed on or after January 1, 1997, per repeal of 15A-1341c, defendant's consent is not needed.)  
☐ 1. The Court finds that a ☐ longer ☐ shorter period of probation is necessary than that which is specified in G.S. 15A-1343.2(d).  
☐ 2. The Court finds that it is NOT appropriate to delegate to the Division of Adult Probation and Parole in the Department of Correction the authority to impose any of the requirements in G.S. 15A-1343.2(e) if the offender is sentenced to a community punishment.  
☐ 3. The above period of probation shall begin when the defendant is released from incarceration in the case referred to below.  
☐ 4. The above period of probation shall begin at the expiration of the sentence in the case referred to below.  
(NOTE: List file number, date, county and court in which prior sentence imposed.)

File Number	Offense	County	Court	Date

☐ 5. The defendant shall comply with the conditions set forth in file number \_\_\_\_\_

**MONETARY CONDITIONS**  
The defendant shall pay to the Clerk of Superior Court the "Total Amount Due" shown below, plus the probation supervision fee, pursuant to a schedule ☒ determined by the probation officer. ☐ set out by the court as follows:  
WAIVE SUPERVISION FEE; WAIVE JAIL FEES; WAIVE C.S.

Costs	Fine	Restitution	Attorney's Fee
\$ 115.00	\$ 3,500.00	\$ 0.00	\$ 0.00

See attached "Restitution Worksheet, Notice And Order (Initial Sentencing)" AOC-CR-811, which is incorporated by reference.  
☐ All payments received by the clerk shall be distributed pro rata among the persons entitled to restitution in this priority: first among all G.S. 7A-304(d) priorities ☐ and before payment of community service and probation supervision fees.  
☐ Upon payment of the "Total Amount Due", the probation officer may transfer the defendant to unsupervised probation.

AOC-CR-603, Rev. 2/2000  
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Material appears unmarked requires to be distributed as follows (Don)

**CERTIFIED A TRUE COPY OF ORIGINAL**  
NORTH CAROLINA - Guilford County  
C.S.C.



# REGULAR CONDITIONS OF PROBATION - G.S. 15A-1343(b)

The defendant shall: (1) Commit no criminal offense in any jurisdiction. (2) Possess no firearm, explosive device or other deadly weapon listed in G.S. 14-209. (3) Remain gainfully and suitably employed or faithfully pursue a course of study or of vocational training, that will equip the defendant for suitable employment, and abide by all rules of the institution. (4) Satisfy child support and family obligations, as required by the Court. If the defendant is on supervised probation, the defendant shall also: (5) Remain within the jurisdiction of the Court unless granted written permission to leave by the Court or the probation officer. (6) Report as directed by the Court or the probation officer to the officer at reasonable times and places and in a reasonable manner, permit the officer to visit at reasonable times, answer all reasonable inquiries by the officer and obtain prior approval from the officer for, and notify the officer of, any change in address or employment. (7) Notify the probation officer if the defendant fails to obtain or retain satisfactory employment. (8) At a time to be designated by the probation officer, visit with the probation officer a facility maintained by the Division of Prisons. If the defendant is to serve an active sentence as a condition of special probation, the defendant shall also: (9) Obey the rules and regulations of the Department of Correction governing the conduct of inmates while imprisoned. (10) Report to a probation officer in the State of North Carolina within seventy-two (72) hours of the defendant's discharge from the active term of imprisonment.

## SPECIAL CONDITIONS OF PROBATION - G.S. 15A-1343(b1), 143B-262(c)

- The defendant shall also comply with the following special conditions which the Court finds are reasonably related to the defendant's rehabilitation:
- ☐ 11. Surrender the defendant's drivers license to the Clerk of Superior Court for transmittal/notification to the Division of Motor Vehicles, whichever is later, or until relicensed by the Division of Motor Vehicles, whichever is later.
  - ☒ 12. Submit at reasonable times to warrantless searches by a probation officer of the defendant's person, and of the defendant's vehicle and premises while the defendant is present, for the following purposes which are reasonably related to the defendant's probation supervision:
    - ☒ stolen goods
    - ☒ controlled substances
    - ☒ contraband
  - ☒ 13. Not use, possess or control any illegal drug or controlled substance unless it has been prescribed for the defendant by a licensed physician and is in the original container with the prescription number affixed on it; not knowingly associate with any known or previously convicted users, possessors or sellers of any illegal drugs or controlled substances; and not knowingly be present at or frequent any place where illegal drugs or controlled substances are sold, kept or used.
  - ☒ 14. Supply a breath, urine and/or blood specimen for analysis of the possible presence of a prohibited drug or alcohol, when instructed by the defendant's probation officer.
  - ☐ 15. Successfully pass the General Education Development Test (GED) during the first \_\_\_\_\_ months of the period of probation.
  - ☐ 16. Complete \_\_\_\_\_ hours of community or reparation service during the first \_\_\_\_\_ days of the period of probation, as directed by the community service coordinator and pay the fee prescribed by G.S. 143B-475.1(b) ☐ pursuant to the schedule set out under monetary conditions above. ☐ within \_\_\_\_\_ days of this judgment and before beginning service.
  - ☐ 17. Report for initial evaluation by participate in all further evaluation, counseling, treatment or education programs recommended as a result of that evaluation, and comply with all other therapeutic requirements of those programs until discharged.
  - ☐ 18. Not assault, communicate with, be in the presence of, or be found in or on the premises of \_\_\_\_\_
  - ☒ 19. Other:
 

THE DEFENDANT IS TO OBLIGE BY CURFEW AND IS NOT TO LEAVE COUNTY OF RESIDENCE WITHOUT APPROVAL FROM PROBATION OFFICER; MAY BE MODIFIED AS NEEDED FOR EMPLOYMENT PURPOSES. OMIT # 8.

- ☒ 20. Comply with the Special Conditions Of Probation - Intermediate Punishments - Contempt which are set forth on AOC CR-603, Page Two.
- ☐ A hearing was held in open court in the presence of the defendant at which time a fee, including expenses, was awarded the defendant's appointed counsel or assigned public defender.

## ORDER OF COMMITMENT/APEAL ENTRIES

- ☐ 1. It is ORDERED that the Clerk deliver two certified copies of this Judgment and Commitment to the sheriff or other qualified officer and that the officer cause the defendant to be delivered with these copies to the custody of the agency named on the reverse to serve the sentence imposed or until the defendant shall have complied with the conditions of release pending appeal.
- ☐ 2. The defendant gives notice of appeal from the judgment of the Superior Court to the Appellate Division. Appeal entries and any conditions of post conviction release are set forth on form AOC-CR-350.

SIGNATURE OF JUDGE

Date: 07/25/2002 Name Of Presiding Judge (Type Or Print): HENRY E. FRYE, JR. Signature Of Presiding Judge:

## CERTIFICATION

I certify that this Judgment and the attachment(s) marked below is a true and complete copy of the original which is on file in this case.

- ☐ 1. Appellate Entries (AOC-CR-350).
- ☐ 2. Judgment Suspending Sentence, Page Two (Special Conditions Of Probation - Intermediate Punishments - Contempt (AOC-CR-603, Page Two)).
- ☐ 3. Felony Judgment Findings Of Aggravating And Mitigating Factors (AOC-CR-605).
- ☐ 4. Extraordinary Mitigation Findings (AOC-CR 606).
- ☐ 5. Restitution Worksheet, Notice And Order (Initial Sentencing) (AOC-CR 611).

Date: \_\_\_\_\_ Signature: \_\_\_\_\_ SEAL

Date Certified Copies Delivered To Sheriff: ☐ Deputy CSC ☐ Assistant CSC ☐ Clerk of Superior Court



STATE VERSION

File No.

01CRS086272 51

Name Of Defendant

BURNETTE, HARVEY, LEE, JR

FILED

## INTERMEDIATE PUNISHMENTS - CONTEMPT

NOTE: Use this page in conjunction with AOC-CR-603, "Judgment Suspending Sentence - Felony"; or AOC-CR-604, "Judgment Suspending Sentence - Misdemeanor"; or AOC-CR-605, "Order On Violation Of Probation Or On Motion To Modify."

In addition to complying with the regular and any special conditions of probation set forth in the "Judgment Suspending Sentence" entered in the above case(s), the defendant shall also comply with the following special conditions of probation, which are defined as intermediate punishments by G.S. 15A-1340.11(b):

- ☐ 1. Special Probation - G.S. 15A-1351 ☐ Contempt - G.S. 15A-1344(e1) and 15A-111a
- ☐ A. Serve an active term of \_\_\_\_\_ days \_\_\_\_\_ months \_\_\_\_\_ hours in the custody of ☐ N.C. DOC. ☐ Sheriff of this County
- ☐ B. The defendant shall report in a sober condition to begin serving his/her term on:
- | Day | Date | Hour | AM                       | PM                       |
|-----|------|------|--------------------------|--------------------------|
|     |      |      | <input type="checkbox"/> | <input type="checkbox"/> |
- and shall remain in custody until:
- | Day | Date | Hour | AM                       | PM                       |
|-----|------|------|--------------------------|--------------------------|
|     |      |      | <input type="checkbox"/> | <input type="checkbox"/> |
- ☐ C. The defendant shall again report in a sober condition to continue serving this term on the same day of the week for the next \_\_\_\_\_ consecutive weeks, and shall remain in custody during the same hours each week until completion of the active sentence ordered.
- ☐ D. This sentence shall be served at the direction of the probation officer within \_\_\_\_\_ days \_\_\_\_\_ months of this judgment.
- ☐ E. Pay jail fees.
- ☐ F. Work release is recommended.
- ☐ G. A DOC substance abuse treatment unit is recommended. G.S. 15A-1351(h). (DART)
- H. Other:

- ☐ 2. Residential Program - G.S. 15A-1340.11(b); 15A-1343(b1)(2); 15A-1343(b1)(2a); 15A-1343.1

- ☐ A. Attend or reside in \_\_\_\_\_ (name program) residential program for a period of \_\_\_\_\_ days, \_\_\_\_\_ months, and abide by all rules and after care regulations of that program.
- ☐ B. IMPACT - Submit to a period of residential treatment in the Intensive Motivational Program Of Alternative Correction Treatment (IMPACT) on the date and place specified in a facility for a minimum of 90 days or a maximum of 120 days from that date, and abide by all rules and regulations of the program. If the defendant is not certified to be medically fit for program participation or for any other reason is not ordered to submit to imprisonment as provided above, then the defendant shall reappear before the court as directed by the probation officer for a hearing to determine what modifications, if any, should be made to this judgment.
- C. Other:

- ☐ 3. House Arrest With Electronic Monitoring - G.S. 15A-1340.11(4a); 15A-1343(b1)(3c)

Be assigned to house arrest with electronic monitoring for a period of \_\_\_\_\_ days \_\_\_\_\_ months, and submit to electronic monitoring and abide by all rules, regulations and directions of the probation officer, regarding electronic monitoring.

Other:

- ☒ 4. Intensive Supervision Program - G.S. 15A-1340.11(5); 15A-1343(b1)(3b); 143B-262(c)

Submit to supervision by officers assigned to the Intensive Probation Program established pursuant to G.S. 143B-262(c), for a period of \_\_\_\_\_ months, up to 3 months recommended by the Division of Community Correctional, and comply with the rules adopted by that program.

Other:  
WAIVE C/S

- ☐ 5. Day-Reporting Center - G.S. 15A-1340.11(3); 15A-1343(b1)(10); 15A-1340.11(6)

Report as directed by the probation officer to the Day Reporting Center for a period of \_\_\_\_\_ days, \_\_\_\_\_ months, and abide by all rules and regulations of that program.

Other:



**SPECIAL CONDITIONS FOR SEX OFFENDERS - G.S. 15A-1343(b2)**

**NOTE:** The following are not defined as intermediate punishments under G.S. 15A-1340.11(b).

☐ **6. Special Conditions For Sex Offenders, etc. - G.S. 15A-1343(b2)**

The defendant has been convicted of an offense which is a reportable conviction as defined in G.S. 14-208.6(4), or which involves the physical, mental, or sexual abuse of a minor, and must:

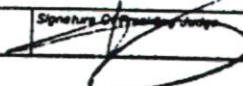
1. Register as required by G.S. 14-208.7 if the offense is a reportable conviction as defined by G.S. 14-208.6(4).
2. Participate in such evaluation and treatment as is necessary to complete a prescribed course of psychiatric, psychological, or other rehabilitative treatment as ordered by the court.
3. Not communicate with, be in the presence of, or found in or on the premises of the victim of the offense.
- ☐ 4. Not reside in a household with any minor because there is evidence of sexual abuse of a minor child in this offense.
- ☐ 5. Not live in a household with any minor child other than the child(ren) named below, because there is evidence of physical or mental abuse of a minor child in this offense, but the court expressly finds that it is unlikely that the defendant's harmful or abusive conduct will recur and that it would be in the best interests of the named child(ren) to live in the same household as the defendant. (Name minor child(ren) with whom the defendant may live in the same household ) \_\_\_\_\_

6. Other: \_\_\_\_\_

**OTHER SPECIAL CONDITIONS**

☐ **7. Other Special Conditions:**

The above conditions are incorporated in the "Judgment Suspending Sentence" in the above case(s) and made a part thereof.

Date	Name Of Presiding Judge (Type Or Print)	Signature Of Presiding Judge
07/25/2002	HENRY E. FRYE, JR.	



STATE VERSUS		File No.		01CRS086272		31	
Name Of Defendant		BURNETTE HARVEY, LEE, JR					
		FILED					
		ADDITIONAL FILE NO.(S) AND OFFENSE(S)					
File No.	Off.	Offense Description	Offense Date	G.S. No.	F/M	CL	
01CRS086277	51	MAINTN VEH/DWELL/PLACE CS (F)	05/30/2001	90-108(A)(7)	F	I	
01CRS086279	51	MAINTN VEH/DWELL/PLACE CS (F)	05/30/2001	90-108(A)(7)	F	I	
01CRS086281	51	PWSD COCAINE	05/30/2001	90-95	F	H	
		BY <u>   jt   </u>					